Prom the Western Herald. Mr. Wilson,

I have read with great, satisfaction's com munication in the National Intelligeneer of July the 12th, on the subject of the Chesa peake and Onio Canal, signed by Isaac Briggs. This able and intelligent gentle and, this experienced engineer, deserve-the gratitude of his country for his attempt to carry into execution this great nationa work. Should his views be realised, and a work. Should his views be realised, and a canal be made from Washington city by Camberland, to Pittsburgh, besides theims portant advantages that would result to the states through which it would pass, I consider it would be highly advantageous and beneficial to the great interests of the Unit oo, by connecting the extreme parts with the centre, and by building up the capital of the United States, in which all ought to feel a common interest. The vast and lu-crative trade that would be carried on in crative trade that would be carried on in this channel of commerce with the Western country, provided it was completed, would not he solely beneficial to Washington, but would be equally so to Baltimora by the cutting of a lateral canal from the valley of the Potomac to that city. I cannot permit myself longer to doubt, but that the rich and enterprising citizens of Maryland, so great a portion of whom are directly interested in the execution of this work, ly interested in the execution of this work. and also of Battimore itself, will see their future interest and prosperity in the accomplishment of this important measure.— Should Maryland co operate with Verginia and lend her aid and resources to construct a canal from the tide water of the Chesa peake to the Ohio river, she may confidently expect to see the trade of the country lying upon the Ohio and its tributary streams a bore the falls at Louisville. flow in this channel to an Atlantic market. Nor would this he the limit of the country that would pour its wealth and trade through the same channel. An extension of the ca-nal from the Unio river, commencing at some point between Pittshurg and Steiben to the southern shares of Lake Erie. striking the latter at the most eligible poin between Cleaveland and Harpersheld, would give to this channel of commerce, would give to this channel or great western not a monopoly of the four great western lakes, it would at least give to it an equal and fair participation in that trade be a ract, and I shall attempt to demonstrate it, is it not an object of so much value and importance, as to claim the serious consideration of the community? Is it not prize worthy the most candid attention of the citizens of Washington and Baltimore I think Brallings is mistaken (with

great deference to his opinion, however when he says, "Nature. and the enterpris ing spirit of her own citizens. have given to New York, beyond competition, in advery rich, the trade of St. Lawrence river of an immense extent of Lake shores and of the northern parts of the states of Ohio. Indiana and Illinois, as far as the ridge senarating the waters that flow into the lakes, from those that flow into the some and Mississippi rivers." I am willing to admit, that the enterprising spirit of the citizens of New York will secure to that gions, unless similar exertions are made in having given to New York the trade and commerce of those lakes, I mean Erie, Ho ron, Michigan and Superior, I think she has offered it to Virginia and Manyland -The relative positions of those lakes to the Atlantic cities, will go far to strengthen this assertion. The cities of Washington, Baltimore and Alexandria, are at least one hundred mile- nearer Lake Erie than New York From Cleaveland to Washington is about the e hindred and sixty miles-from Buffalo to New York cannot be less our hundred and sixty miles, by the Albany, the course of the canal way of Albany, the course of the canal — This calculation relates simply to Lake E What would be the situation of those two canals, if they were constructed with regard to the trade of the three northwes tern Lakes, Huron, Michigan and Superior? Bosts or vessels, bearing the produce of the countries bordering upon those lakes, must all wass through the Detroit river, and by the city of that name Those boats or essels, therefore, would make Cleaveland the supposed termination of the Chesapeake with two hundred miles less sailthan they could reach Buffalo, the termination of the New York canal This, added to one hundred miles, the advantage which Cleaveland has over Buffaloe, as before mentioned, gives a difference in distance in favour of Washington and Baltimore over New York, for the three nor investern lakes, of three hundred miles. This difference in distance would be sufficient to counterbalance inv additional labour or expense vigating the canal across the mountains— Add to this the fact, that the Chesapeake canal would be open for navigation earlier in the spring, and later in the fell, owing nore southern latitude -and I think it would not be unreasonable to conclude, that Mr Briggs was mistaken, when he said that nature had given to New York, beyond competition, the trade of those lakes, and of the northern parts of the states of Ohio, Indiana and Illinois. My opinion is, that nature has offered to the in habitants of the Chesapeake an equal, if not an advantageous, participation in that

It might now be prudent and reasonable to enquire, whether the project of making to enquire, whether the project of making this canal from the Chesapeake to the Ohio river, and from thence to the Lakes, is fan civil and visionary, or whether there is not sufficient evidence in favour of its practicability to satisfy all rational doubts upon the subject? This point being established, I am inclined to believe that there will be but few, who will be so sceptical as to want faith, in its expediency. What is the information that has already been obtained in

•I will designate more particularly the route which I suppose would be the most eligible. From Washington, along the Valley of the Potomac, to Cumberland; from thence, across the Mountains, by the aid of the waters of Savage Creek and Deep Cocal, to the Youshiogany, thence down Creek, to the Youghiogany; thence dow the same to the Monongahela, following the latter stream to Pittshurg. From this place along the margin of the Ohio river, to the mouth of the Big Beaver; thence, up the same, till the Mahoning fall into it; thence, along the Mahoning, across the dividing ground, to the waters of Grand river; theree, down or near the same, to its mouth the same to the Mononyabela, following the thence, down or near the same, to its mouth at Plainwille, on the Lake. Whoever cast his eys upon the map, will perceire, that the course of shere streams is in almost a direct line from Washington to the Lake:

a commissioners relation to it? The joint commissioners of Virginia and Maryland, who were appointed by the respective to talatures of those states, to make an examination of the state of the navigation of the Potomac, and as the state of the respectively. certain its susceptibility of improvement, have, after a very laborious and faithful discharge of their duty, reperted that any improvement of the channel of the Potomat would be inexpedient, but that a canal can be made along the valley of that stream from Washington to Cumberland, for the This is something more than one half of the distance from Washington to the Ohio river. The commissioners at the same time examined the situation of the mountains practicability of extending the canal across them to the Ohio. From this examination they found, that by cutting a tunnel two
miles in length through the dividing ridge, between Savage creek, a branch of the Po-tomac, and Deep creek, a streamfalling in-to the waters of the Ohio, this object might be effected, and at an expense much less than what "an experienced public have heretofore imagined." Although this evi dence would have been sufficient to satisfy n.y mind of the propriety of commencing this work at once, yet happily for the pros perity of the country, and for the satisfaction of those who still doubted, greater and

The following extracts from the repor of a committee made to a large and highly respectable meeting of citizens of Frede rick county, Maryland, and delegates from the neighbouring towns and cities, afford the most gratifying intelligence on this point: The committee have also infinite gratifi cation in being enabled to say, from a source of information not to be questioned, that the diffic lites in the communication between tibio and Potomac, have, by an actual survey, made within two weeks past, been found to dwindle into absolute insigni a. That, instead of a tunnel two miles in

length, and two hundred leet in depth, to connect the waters of Deep Creek, a branch of the Youghlogany, on the wast side of the mountain, with those of Crab-Tree Run a branch of Savage River, on the east side which empties into the Potomac, no tunne at all is necessary. It is but an act of justice to state, that this highly important dis covery has been made within the last thirty days, by our enterprising and meritorions fellow-citizen,, James Shriver, Esq a gen tleman of well known experience and sci entrice sequirements, necording so this truly interesting discovery it now appears that a dam across Deep Creek, at Hooppole narrows, can be constructed at a very inconsiderable expense, so as, by raising the water about 30 feet, to reduce the cutting, in the lowest gap, to 70 or at most to 80 leet, and this being only at the summit, the extent of this depth across will be inconsiderable .- That the level through the ridge from the point to which the water miles, and the average for cutting for that distance, by which an ample supply of wa ter will be obtained, will not be more than 25 or 30 feet, affording an easy communi ca ion with the Potomac, and securing the trade of the Ohio valley, which, with the tributary streams of the Ohio alone, contains about 200,000 square miles.

From the foregoing remarks and extracts will appear, that the obstacles which have hitherto been considered insuperable, to a canal navigation across the mountains, have been entirely removed. rit, enterprize, and capital, sufficient, in that portion of the country which will be benefitted by it, to commence and com

The mext question that presents it elf is

The policy of continuing this canal from
the Onto river to the lakes, as one regular connected channel of commerce During the present summer, Judge Tappan, chair man of the Ohio Canal Commissioners, a gentleman of science and considerable experience, has explored the route heretofore hat no difficulties oppose themselves to the execution of such a work. The country is level and the water abundant. The public may expect an interesting report from this gentleman, at the next session of the Ohio the nearest point of approximation in this direction, does not exceed 90 miles. It is with great ease, and at a moderate expense. heigre examined the relative position Washington, from the four northwestern lakes, by which a difference of distance was found, in favour of the two latter ciries, of three hundred miles, sufficient in my est mation to turn a great portion of the trade, if not all of it, in that direction. This question early occupied the mind of the great Washington, and from his publications con cerning it, it appears that he confidently anticipated that the period would arrive when the commerce of the lakes would take this course to the ocean. His manu script calculations make a difference he-tween the route from Detroit to Alexandria, and that to New York, of 496 miles

The great advantages and benefits resulting from the accomplishment of such a work, must be obvious to every one. It would furnish an outlet to the rich agricultural productions of the west. Every article reared by the labour of the farmer would receive an additional value of 40 or 50 per cent. The produce of the rich and extensional value of 40 or 50 per cent. sive mines of lead and copper on the bor-ders of the northern lakes, so necessary in ship building, and in carrying on the ope-rations of war, would float in the same di rection, and find a market in the centre of the Union The furs and peltries, taken on the great lakes, and the upper Mississip pi, would find their nearest Atlantic market on this route—while the productions of for eign commerce, wasted to our shores from all parts of the world, would, in return, with great facility, cheapness, and expedi-tion, be distributed through this vast inte

I have presented this subject to my coun trymen, with the hope that it will receive a candid and dispassionate discussion. It is my intention, in a future number, to make an estimate of the whole distance of the canal, and a calculation of the expense of ma. king it, together with the price of feight per hundred, from the lakes, and from the Ohio river to Washington and Baltimore.
AN OHIO FARMER.

A pumpkin has been gathered in Rock. land county, Virginia, which weighed 136

Indianapolis (Indiana) October 6.
The tract of country called the New Purchase, in this state, is settling with a rapidity almost unequalled in the history of new settlements: and there is perhaps no section of country, all things considered, which offers more inducements to emigrants than that which is included within the bounds of this Purchase. The assiness of the acquithis Purchase. The sasiness of the acquisition places it in the power of almost every man of industrious habits to obtain a piece of land, and the richness and fertility of the soil furnish to the cultivator, in great abundance, all the necessaries of life. This town besides being the permament seat of govtages not surpassed by any town in the in terior of the state; and the progress of emi gration to the surrounding country, formish es an earnest that it will, ere long, become a place of considerable importance. It those who saw our town a year ago, were to visit t again this fall, they would be almost tonished at the rapidity with which it has improved. During the past summer, be sides the erection of a great number of build sides the erection of great the state of houses, store houses, shops, &c. there has been a large frame meeting house built, and an elegant brick court house commenced, and in a rapid state of progression. Censor.

MOURNING DRESSES. A writer in the Boston Recorder con-demns the practice of wearing mourning at funerals, as being unnecessary, because by no means indicative of true grief, and as be ing an oppressive hurthen to the poor. recently deviated from this custom in the case of a deceased individual of his family, and transmitted \$10 to the American Edu cation Society, as a part of the sum saved

QUACKERY.

The Circuit Court and Court of Oyer and Terminer for the county, of Albany, closed its session on Saturday last. Among the numerous cases, some of them of quite an interesting nature, was the following.

N. Y. Spectator.

Van Salsbury vs. Miller This was a spe cial action on the case brought by the plain tiff (a female child) by her nearest friend to physician for negligence and mal practice in setting the plaintiff's arm, which had been dislocated at the elbow joint. Both parties reside in the county of Renselaer The case was fully made out, and it ap seared that the arm had been rendered en irely waless. Verdict for the plaintiff

ALTERED NOTES.

We would caution the public against re-ceiving notes of the Mechanics' Bank of Baltimore, which have been ingeniously al ered from five to ten, and are now in cir-ulation in this city The alteration of the culation in this city. The alteration of the words and figures is well executed, and cal culated to deceive those who are not familiar with the peculiarities of the notes of the The shortest and mos two denominations. The shortest and most certain direction to detect these spurious notes is to remember that the vignette of the genuine five dollar bills is a blacksmith -and that of the genuine ten dollar bills a Fed. Gaz.

From Thacher's Military Journal. ners and character, and ludicrous in nisappearance, being rather tall but slender; his leatures are sharp and irregular, complexion dark, with small jet black eyes. His long hair is brought in a braid to the top of his head, which is constantly covered with powder, he is never seen without his small word, nor in conversation without a display of vanity and affectation. He converses in broken English, with rapid arti culation, often perverting words from their legitimate meaning. Dr. Thomas and Udang have at command an inexhaustible fund of merriment and humour, and Udang once said to the Doctor, "You can take me off better than I can myself." On a re turn from Boston in seventeen hundred and eighty, he related some incidents that occurred to him, which have frequently been repeated to aid in festive mirth. Some wag knowing his vanity and affectation of con-sequence, had employed a negro wench to make a familiar address to him in some nublic place This was a severe mortification, and destroyed all the comforts of his visit. In answer to an inquiry how he liked Boston, this vexation was uppermost in his mind. "I like Boston very well all but one d-d madam nig." On being pressed further he related the particulars with all the action and irritation that the reality octake a walk to the market-twas one very fine market—de poult, de geese, ebery ting —one very fine assortment—dere it was I hear somebody say behind, 'How do you hear somebody say behind, 'How do you do Captain Udang?' I look round, one black bish say again, making reverence, 'I hope you be well, Captain Udang?' Who be you speak to me in de market You for get, she say, I was your sweetheart in '77. Ifol yo tongue, you dad raseal bish. You speak to me in de market, when I am wid gentlemen, I cut off your head, I will, you raseal wench. I was so asham, I put de hat over my eyes and run light home tro hat over my eyes and run light home tro five tou-and people. Next day some gen-tlemen tell me who own de black hish dat poke to me in de market, and advise me spoke to me in de market, and avorse to tell de mistess. I go to de house and knock, knock—by by door open, 'tlow do you do, Captain Udang?' de same black bish rascal dat spoke to me in de market—who own you—tell you mistess one gentleman officer with to see her. Madam, say the govern own det d.—d. madam, is dat. I, do you own dat d-d madam nig, dat spoke to me in de market? She say, Il you had not been too familiar with my ne gro wench, she would not spoke to you in de market. I say you be one d d rascal yourself, madam.

WHITE TEETH.

The famous Saunderson, although completely blind, and who occupied in so dis inguished a manner the chair of mathema tinguished a manner the chair of maintenanties in the University of Cambridge, being one day in a large company, remarked of a lady who had left the room, but whom he never before met, nor even heard of, that she had very white teeth. The company were extremely anxious to learn how he had discovered this; for it happened to be true. "I have no reason," said the professer, "to believe that the lady is a fool, and I can think of no other motive for her laughing incessantly, as she did for a whole ur together."

[CIRCULAS]

I am directed by the Honourable Secretary of the Navy to assure the officers and men of the Squadron f have the honour to command, nof the consideration in which their services on their recent expedition against the Pirates of the West diffices are held, and the high sense entertain of their devotion to a most arduous and dangerous neid, and the high sense entertaines of their devotion to a most ardinous and dangerous service, wherein a vigour has been display-ed which has effectually arrested the depre-dations of the freebooters, afforded secur-ty to our trade, and justly entitles them to the unqualified approhation of the Naw the unqualified approbation of the Navy Department, and to the thanks of their

D. PORTER. Washington City, Oct. 29, 1823. Nat. Intel.

DR MITCHELL.

It is mentioned in the Franklin Gazette, that Dr. Mitchell, of New York, has de voted the Diamond Ring, which he receiv-ed from the otyrant" Alexander, to the cause of Grecian Treedom."

Our Yankee squirrel-hunts (says the Tro Sentinel.) appear insignificant in compari son with the following East Indian pastime At a hunting match near Fyzabad, a of Hindostan, in March last, which laste 13 days, besides deer, hogs and partridges without number, there were killed, (and bagged!) 3 buffaloes, 15 bears, and 17 ti-The Unadilla hunt is tame sport to

DISCOVERY SHIPS.

A look out vessel, with provisions, it is understood, will shortly be despatched to Lancaster Sound, in search of Capt. ry It is said that those Northern Seas re main clear of ice until the winter is some what advanced. If this be the case, it may not yet be too late to make the search; and perhaps some of the whalers lately returned from Davis's Straits, which are particu-larly fitted for, and used in the navigation of those seas, would be the best calculated for the enterprize.

Capt Rotzebre, of the Russian navy, has sailed on his third voyage of discovery round the world. He is to go to Rio de Janeiro, round Cape Horn, and to the South seas He had arrived at Copenhagen.

MR. SOUTHARD.

The appointment of Mr. Southard, as secretary of the navy, is another evidence of the purity of our accephican institutions, and of the reward bestowed on merit, however humble itsorigin. Air Southard, has no patrician rank to boast of, and has risen solely by the force of talent. But a few years since, he was a private tutor in a fami ly of one of our neighbouring counties; and it almost defies credulity itself to observe with what magic art his mind has made its way. Let the parity and impartiality which has marked this appointment ever prevail, and we may with safety say to our country elive for ever. Winchester Rep.

REMARKABLE.

The Newark Eagle states that a female, of Elizabeth Town, in perfect health, was employed the other day to make a shroud for the corpse of a deceased neighbour; she expired directly after finishing it, and was clothed with the shroud of her own make.

From the St. Louis Enquirer.
IRON MOUNTAIN IN MISSOURI
This place is in Washington county, in
this state, and is the most extraordinary
store of iron one that has yet been discoverstore of iron ore that has yet been discovered in any country. It would not probably
be transcending the limits of truth to say,
that it would supply the world with this
useful mineral for Tong periodof time. In
appearance it bears a strong resemblance to
native iron, and would yield, on fusion, 80
or perhap 90 per cent.

The peculiar quality of the ore of which
this section of country is the rich deposito-

mery, erected by Messrs. Peery and Ruggles, iron is produced of a quality greatly superior to any that can be imported, and is preferred by smiths, because it is worked with greater facility, and is found to possess, in a very high degree, the properties of steel. Axes, flough irons, and other implements of highlandry, made of this iron, without an addition of seel, is found iron, without an endultion of the ordina-nearly equal to hose formed in the ordina-

The iron mountain is frequently visited by the curious traveller, and by those who have contemplated drawing on its vast store of wealth; and at length it is stated, a foun dery and other works, calculated to bring district, are about to be erected. We do not such for the truth of this statement, but a letter prospect for the investment of capitalls but seldom presented, and there can he to doubt, that if the immediately, it will soon be embraced.

GOD SHAVE GEN. SHACKSON" "GOD STAVE GEN. SHACKSON"
We copy the following humorous attack
from the Port Folio, without vouching for
its authenticity. When General Jackson
entered New-Oleans in the year after the
memorable defeat of the British, the manager of the Theatry waited on him, to solicit
the honour of his, presence at one of the
performances. This being promised, it was
resolved to compliment him with a song
composed for the occasion. The performers
were all Frenchmen, and none of them
very conversant with the English language;
but the best among them was selected, and but the best among them was selected, and when the curtain rose, the General who sat in the stage box was surprised at hear ing his feats recorded in a song to the tune

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At a recent trial in Virginia, Mary Patten against Elkridge Hall for slander, the Jury brought in a vedict of five thousand dollars damages.

A potatoe, weighing seven pounds and eight ounces, has been produced in the gar-den of a gentleman at Fayetteville, N. C. Warpland Gazette.

Annapolis, Thursday Nov. 6, 1823

ARRIVALS AT THIS PORT Yesterday Sloop Active, Robinson, from Philadel-Also, schr. Martha; from New York.

IRON.

"Three American vessels were loading with Iron at Stockholm, on the 19th of August. Two hundred thousand ship pounds have been already shipped the present season" The preceding information is given in the New-York papers.
We import few articles which our own

country does not furnish an abundance of material to enable us to manufacture among ourselves. There is an immense quantity of iron annually brought herefrom Sweden, though many...of...our states abound with mines of this metal of a quality at least e-qual to any which can be procured abroad. In the states of Tennessee, Missouri, and New-Jersey, there are many valuable beds of iron In Morris county, in the last mentioned state, there are seven mines of ore of excellent quality; and from these, it is supposed by persons acquainted with them, enough could be manufactured to supply the whole Union. It is much to be lamented that the citizens of this country do not devote their at ention to the extraordinary resources with which they are blessed. With a slight effort on their part, after a few years, the independence of which they boart would be completely realised. In-stead of being indebted to foreign nations for the numerous manufactures which we now are, we should have it in our power not only to supply ourselves with them, but even become the competitors (in the markets of other countries which do not those from whom we have been purchasing. Could the people of this Union ones be impressed with the importance of drawing from their own resources, millions of dollars which are now spent in distant lands would be circulated amongst themselves, and they would in truth be as inde-pendent as they wish the rest of the world

COURT OF APPEALS, June Term,

John Cromwell, and others, vs. William

Appeal from the Court of Chancery.

[Argued by Taney and Winder, for appellants, Heath and Johnson, for appellee.]

The opinion of the Court was delivered by Bucharan J. Sommel Owings by his

BUCHANAN, J Samuel Owings by his will dated the 7th of May 1803, among o. ther things, devised certain lands to William Owings, his executor, to sell, and the proceeds to be distributed among eight of his children named in the will, of whom Beale Owings was one.
The testator also bequeathed the proceeds

of certain personal property to be distributed in like manner—one of the eight legatees is since dead, having issue two chil-

dren.
The bill is by six of the legatees named in the will, and the two children and representatives of the deceased legatee, calling on the executor and trustee, to account and pay to them their respective proportions; and Beale Owings, the other legatee named, is not made a party to the proceedings either as complainant or defendant. The chancellor, by agreement in writing of the respective solicitors, passed an order referring the matters in controversy between the parties to referees named in the agree-ment, who returned an award ascertaining the sum due to each of the complainants and directing the same to he paid to them respectively by the defendant, and also di-recting the defendant, by a good and sufficient conveyance, to transfer certain lands, bonds, &c. to a trustee to be appointed by Objections were filed by the defendant to a decree being passed the award, founded on objections raised to the award itself, and also on the circumstance that Beale Owings was not made a party to the pioceedings; whereupon the chancellor passed an order, in which he expressed the opinion. that Beate Owings ought to have been made a party to the proceedings; that the arbitrators had exceeded their powers in awarding a change tees; and that Peter Hoffman had exercised an improper influence over the arbitrators—and afterwards dismissed the bill for want of proper parties. First then as to the award; It is clear that an award upon a refor an erroneous judgment upon facts, but the arbitrators, being judges chosen by the parties themselves, their decision on matters of fact cannot be reviewed, but is final and or lact cannot be reviewed, but is final and conclusive, where there is no imputation on their conduct. Morgan vs Mather, and Dick and Milligat, & Via, Juny The suject of the award than case being matter of account, they were facts, on which it was the province of the arbitrators to decide, and their indepent cannot be inquired. cide, and their judgment cannot be inquired into, but the parties are concluded and bound by it, unless a foundation is laid for setting aside their award, by an imputation on the conduct of the arbitrators—and no such foundation is laid, the objections to the award, being all confined to the decision of award, being all connined to the decision of the arbitrators on questions of fact, except so far, as in the opinion of the chancellos, there is a colourable charge of improper influence practiced by Peter Hoffman upoa the arbitrators, and except also the objection to so much of the award as is altered to be without the submission. Exleged to be without the submission. Ex-ceptions to an award cannot be founded upon any thing, de Aore, but must always upon any thing, de hore, but must always be confined to matter appearing upon the fact of it, compared with the proceedings of it, compared with the proceeding of the demuch mirth to the Americans who were present—

"God shave General Shackson He be one very great man, He shave New Orleans, "God shave General Shackson."

Whenever the me of the General occupation supported by affidavits. Dick and Billings of the Start of the supported by affidavits. Dick and Billings of the supported by affidavits. Dick and Billings of the supported by affidavits or the supposed influence exercised by a profound bow in the most approved Parisk an fashion. Peter Huffman over the arbitrators, being altogether de hors, the award, it cannot be received or acted upon to the prejudice of the award, in the form of exception, but ought to have been proceeded on by my of motion to the award. But if it could be taken adea the award. But if it could be taken adea the award. But if it could be taken adea the award, it had been made the foundation of a motion to set it aside, had would now be so considered, there is nothing now be so considered, there is nothing wiraksoner in the record to speech it. The

letter of the 15th of Oct 1819, from the or the title of sendant, on which the epinion of the chancellor was founded; and which is now relied upon to show the undue influence of Peter Hoffman, over the arbitrators, does not seem to this court to aroutation, does not seem to this court to furnish the slightest ground for such an imputation. The sole office of that letter was to inform the defendant, that the account he had-exhibited to them, had been submitted to Peter Hoffman, acting in behalf of the complainants, and that he had half of the complainants, and that he had insisted on proof being made of all the charges it contained—with a request, that he would furnish such proof, and also let them know whether he had any further account to produce. If the arbitrators had acted on that account, without requiring proof of the charges it contained or letting the complainants, or their agent, know that such a paper had been exhibited; there would perhaps have been cause for complaint on the other side—or, if they had plaint on the other side -or, if they had rejected the account, without affording the defendant an opportunity of proving it, or had refused to receive evidence in support of it, then indeed a charge of misconduction the part of the arbitrators, would have had some ground to stand upon, but it is difficult to perceive how any imputation on the conduct of the arhitrators can arise from that letter. The other objection. trom that letter. The other objection, that a part of the award is not within the submission, being to who agies on the face of the award, it comes properly in the form of an exception, and it is very clear, that so much of the award, as respects the removal of the defendant as trustee, and the appointment of another trustee by the chan appointment of another trustee by the chan cellor in his place, is without the submis sion, and void. But it is well settled, that it an award be both of matter that is submitted, and of that which is not within the aubmission, it may be good as to all that is within the submission, and void as to the residue. I Bac Ab. itle Arbitrament and Award and the authorities there referred to. Therefore, though a part of this a ward is of that which is not submitted, and consequently void, yet being entire'y dis tinct matter, it does not vitiate or affect, so much of the award as is within the submis sion, but as to that the award, is good, he of what does not depend upon the mat awarded, without the terms of the sub

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As to the objection, that Beale Owings ought to have been made a party, the ground on which the bill was dismissed by the chancellor; it is a general rule, that all persons should be made parties, who are either legally or beneficially interested in the subject matter, and result of he suit; acter of bition to so diffici and administration that In a different tales of things, it would have been proper and ne cessary to have made him a party, being a legatee named in the will of Samuel Ourings, et under the circumstances of this case,

that necessity does not exist.

Before the institution of this suit. Beale Govern Shulze, 64,100, Owings had himself filed a separate bill in chancery against the defendant William Owings, and on the 22d of January 1819, this bill was filed, on the same day the an-25,507. swer was put in, and received by agree ment without oath; on the same day also, the parties, complainants and defendant, States I filed a written agreement, signed by their respective solicitors, to refer the matters in controversy between them to David Wil A litt liamson, David Winchester and Henry Brice. in pursuance of a request on the part of the detendant contained in a paper filed in the cause dated the 22d June 1815, and signed stockin little ro by him and Peter Hoff , one of the complainants, in which a other answer be fore put in by him to the bill of Beale Owings, is directed by the defendant, Withiam Owings, to be copied and filed in this suits, then about to be brought, the object of which, is stated to be an amicable Mexi

By ti adjustment of the estate of his father, and on the next day the 23d of January 1819, the chancellor passed, the order, referring the matters in dispute to the persons before named and agreed upon. Thus it is manifest, that this was originally an amicable proceeding, and that it was persectly under stood and agreed upon before the bill was filed, that Beale Owings should be made a party, but that the deendant and tuese complainants alone, would proceed to see on this ced this ties is si complainants alone, would proceed to a set tlement of their affairs, leaving him to pur sue his own course. How else tan the a Castle. greement of the 22d of June 1815 be un derstood? The suit had not then been titude derstood? The suit had not then been brought, but is there treated of as an ami cable bill about to be filed, with authority given by the death whings to a solicitor to appear to it for him. and his instructions that a copy should be taken and filed of the answer he had made to the bill of Beale tresh p that v did no! request Ownags, show that, that case was then pre-sent to their minds, and that the bill about to be filed, was mutually agreed upon, for the purpose of adjusting these parafactaims of these complainants by arbitration under the sanction of the court of chancery. It was in conformity to and in furtherance of these views of the respective parties, that ed with the billing answer, and the agreement by their solleiters to refer the suit, were filed on the same day, without process to bring in the defendant, or requiring the answer to be on oath, and the deed from William Ow into the do, and for Spa sent fro ings of the 30th of March 1819 to Thomas 24th, ar Mode, Peter Hoffman and George Winches ter, soon after the bringing of this suit, to secure the payment of the supposed amount gates of ly. the of the respective claims of these very com-plainants, furnishes additional evidence, of the understanding of the parties before and at the time the bill was filed. Surely, withopen hi Govern pleased, gun. - 4 past 12, out calling in aid a court of justice, the de-fendant and these complainants, or either of them, might have submitted the matter inhabita in dispute between them to arbitration, and the award, when made, would have been binding and conclusive upon them—and if the city men an of shot so, there is nothing to prevent their resort-ing, by consent, to a court of chancery, to effect that, under the sanction of a rule of

court, which might have been done by sub

execution of an award made on a submis-aion by William Owings and these complain ants, to which he was not a party; or in a

ants, to which ne was not a party, or in-bill in chancery to foreclose a mortgage given by William Owings to these com

walking mules e The Ci mission, out of court without suit, and it does not lie in the mouth of the defendant so muc to object, that Beale Owings ought to have een made a party, after putting the com-lainants to the trouble and expense of a demolis smit in chancery, on the faith of his agree-ment; but the order of reference being made with the assent of his soficitor, at his ex-press request, the award, so far as it is withes will l others ! jured by press request, the award, so far as it is with in the submission, is obligatory upon him—and Beale Owings, not being a party to the submission, and altogether unaffected by it, there would have been no propriety in making him a party to the suit afterwards, for the purpose of a decree up on the award, in which he was in no way concerned, any more than it would be necessary to unite him in a bill to enforce the execution of an award made on a submisloss the

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